

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Meeting called to order at 7:00 p.m. by President Haberkorn with a salute to the flag. Roll call was recorded as follows:

Present: Dill, Johnston, McGuigan, Slaughter, Gerety

Also Present: Mayor Tapp, Administrator Frost, Deputy City Clerk Heath, City Solicitor Smith, and City Engineer Schneider

Absent: DePamphilis, Shields

Open Public Meetings Act:

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided to two local newspapers. The agenda has been posted at City Hall and on the City's website, somerspointgov.org.

Public Hearing on Green Acres Grant Defeo Lane Nature Trail:

City Engineer Schneider gave a detailed summary on two Green Acres Grant Applications which require a public hearing. Engineer Schneider explained that one grant application will be for Defeo Lane Nature Trail, for which the plans include parking, trail signage, mulch, landscaping, fencing, trash cans, recycling containers, and a viewing platform that overlooks the creek area. This project will not have any major environmental impacts but will require a New Jersey Department of Environmental Protection permit for the viewing platform which will be placed on the wetland area.

Council President Gerety duly opened the meeting to the public.

John Helbig supports the City Council's grant submission on this project and believes this project will be an asset to Somers Point.

Hearing nothing further from the public, the public portion was duly closed.

Public Hearing on Green Acres Grant Kern/Fehrle Field:

City Engineer Shneider explained the next Green Acres Grant Application will be for the Kern/Farrell Field. Plans will include resurfacing the track with a slip resistant surface, drainage on the football field, new roof and renovations to the bathrooms at the softball building, restoring the little league building with new roof and carpet, renovating the bathrooms at the snack stand, replacing doors and frames at the Babe Ruth Building. The total cost of this project is \$700,000.00 and will be covered by the grant if approved. Engineer Schneider also stated there will be no environmental impact for this project.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Council President Gerety duly opened the meeting to the public.

Hearing nothing further from the public, the public portion was duly closed.

Communications:

John Batastini Esq presented a Redevelopment plan for 731 Bay Ave to City Council. The plan entails a three-story building. The first level will be used for retail, the second level will be office space and the third floor a private residence. The plan will also include 14 parking spaces they hope to share with the city.

City Council agreed to send the plans to the Redevelopment/Affordable Housing Subcommittee of Council Members to further review and offer their recommendations to the entire Council.

Council Member Johnston responded to an unsigned letter that was sent to residents pertaining to a proposed group home that would be located on Cleavland Ave. Johnston then clarified Municipalities cannot discriminate against Group Homes being placed in a residential area by State Law. Council Member Johnston then defined what a Group Home is and listed the qualifications required to open a group home.

Mayor's Report:

Mayor Tapp stated he received a letter from the New Jersey Department of Transportation denying grant funding for the proposed improvements at Mullen and Ocean Ave. Mayor Tapp then explained that Council Member Shields is not attending tonight's meeting because of complications from a recent surgery but is remaining informed and plans to be at the next Council Meeting. Mayor Tapp then thanked Somers Point Volunteer Fire Companies One and Two for their dedication and performance during a recent structure fire in major climate elements before attending several other calls. He also thanked Public Works for the cleanup efforts after the fire

Administrator's Report:

None

Solicitor's Report:

Solicitor Smith reported on Ordinances 3 and 4 of 2026 along with Resolutions 80 and 81 of 2026.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Engineer’s Report:

City Engineer Schneider informed residents of changes to the New Jersey Flood Regulations going into effect six months after the bill is signed, any residents wanting to see if they will be affected by this can go to somerspointnj.withforerunner.com. Engineer Schneider then gave an update on the Shore Road water main replacement starting in the beginning of March which will cause more detours between Myran Ave and Bethel Road. The project is expected to be complete with the road paved by summer. Engineer Schneider then discussed the Safe Routes to School, and New Jersey Department of Transportation project plans with City Council to make sure no changes are needed since the projects will be going out to bid soon.

Committee Reports:

Council President Gerety wanted to verify the Steering Committees agenda was circulated.

Approval of Minutes:

On the motion of Council Member Dill, seconded of Council Member Johnston, and carried to approve the Regular Meeting Minutes of 1/22/2025, approved as to content only.

Proclamations:

The following proclamations were read by Mayor Tapp.

No. 9 of 2026

Subject: Amending Proclamation No. 2 of 2026 - Appointing Planning Board Members

WHEREAS, due to the resignation of Jack Shields. I, Mayor Dennis Tapp hereby appoint Vince Lombardi to Class IV with a term expiring December 31, 2027. I, Mayor Dennis Tapp hereby appoint John O’Connor to Alt. No.1 with a term expiring 12/31/2026. I, Mayor Dennis Tapp hereby appoint Charles “Skip” Broomall to Alt. No.2 with a term expiring December 31, 2026.

BE IT PROCLAIMED THAT the Planning Board as of this date consists of the following members with the expiration of terms noted:

CLASS I
Mayor Dennis Tapp

EXPIRATION OF TERM
Term of Office

CLASS II
Stephen Hornig

One (1) Year Term 12/31/26

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

CLASS III

Howard Dill

One (1) Year Term 12/31/26

CLASS IV

Vince Lombardi

December 31, 2027

Brian Cotton

December 31, 2028

Gerald "Max" Slusher

December 31, 2029

Paul Striefsky

December 31, 2027

John O'Connor (Alt. No. 1)

December 31, 2026

Charles "Skip" Broomall (Alt. No. 2)

December 31, 2026

No. 11 of 2026

Subject: Amending Proclamation No. 4 of 2026 - Appointing Veteran's Advisory Board

WHEREAS, the Mayor and City Council for the City of Somers Point established, by virtue of Ordinance No. 7 of 2019 and under the authority of *N.J.S.A. 40A:1-1 et. seq.*, a Veterans Advisory Board for the City of Somers Point for the purpose of keeping the Mayor and Council informed of developments regarding veterans and for the purposes of coordination of Veteran related activities, issues, parades and developments which, in effect, affect the entire community; and

WHEREAS, the Mayor is desirous of appointing to said Veterans Advisory Board those members of the community whose qualifications meet those specified by said Ordinance; and

WHEREAS, the citizens that are hereby proclaimed to be members of the first Veterans Advisory Board within the City of Somers Point have served their Country honorably and with distinction and will be of benefit to the Mayor and Council in addressing and promoting the needs and affairs of veterans within our City for the betterment of our community and are otherwise eligible to serve on the Veteran's Advisory Board.

WHEREAS I, Mayor Dennis Tapp, hereby appoint Nicholas Pursel, Fred Vineyard, & Dan Brown to Ex-officio Members

WHEREAS I, Mayor Dennis Tapp, hereby appoint Diane Glasser as Board Secretary
With term expiring 12/31/2026

NOW, THEREFORE, I, Dennis Tapp by virtue of the authority vested in me as Mayor of the City of Somers Point, County of Atlantic and State of New Jersey, do hereby proclaim that effective immediately the following persons shall be and are hereby appointed as members of the Veterans Advisory Board for the terms and positions so specified:

Members

Thomas Innocente (U.S. Navy/U.S. Army Reserve)

Expiration of Term

12/31/2028

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Ron Bird (U.S. Navy)	12/31/2028
John L. Glasser, Jr. (U.S. Air Force)	12/31/2027
Robert Hauser (U.S. Navy)	12/31/2026
Phil Huber (U.S. Army)	12/31/2027
William Bobon (Marine Corps.)	12/31/2026
Fred Fontana (U.S. Air Force)	12/31/2026
Larry Lemieux (U.S. Marine Corps)	Ex-Officio Member
Nicholas Pursel (Army)	Ex-Officio Member
Fred Vineyard (Navy)	Ex-Officio Member
Don Brown (Navy)	Ex-Officio Member
Howard Dill (U.S. Army Reserve)	City Council Liaison
Morgan Slaughter (U.S. Air Force)	City Council Liaison

Ordinances:

Ordinance No. 1 of 2026

(Second Reading/Public Hearing/Adoption)

M/S- Dill/Johnston

This ordinance was adopted by a unanimous roll call vote of those present.

Council President Gerety duly opened the meeting to the public.

An individual asked if this ordinance would raise sewage costs for residents and businesses in Somers Point.

Hearing nothing from the public, the public portion was duly closed.

No. 1 of 2026

**AN ORDINANCE AMENDING ORDINANCE NO. 1 OF 2025,
AN ORDINANCE OF THE CITY OF SOMERS POINT,
COUNTY OF ATLANTIC, NEW JERSEY, ESTABLISHING
THE RATES, FEES, RENTS AND OTHER CHARGES OF
THE CITY OF SOMERS POINT SEWER UTILITY**

BE IT ORDAINED by the City Council of the City of Somers Point, that, in accordance with the Municipal and County Sewerage Act, N.J.S.A. 40A:26-A-1 et seq., Section 1 of Ordinance No. 1 of 2019 is hereby amended, and the following schedule of rates, fees, rents and other charges is hereby implemented:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

**Rates and Charges
of the
City of Somers Point Sewer Utility**

SECTION 1.

1. The minimum charge per equivalent domestic unit shall be \$388.00 annually.
2. The annual unit sewer charge based on the type of property served shall be as follows:
 - (a) Private dwellings, condominium units and cooperative units basic charge \$388.00
 - (b) Structures with apartments - each apartment \$388.00
 - (c) Hotels, rooming houses and private dwellings with rented rooms –
basic charge \$388.00
plus each rented room \$286.00
 - (d) Motels - each standard rental unit \$286.00
- each efficiency rental unit. \$388.00
 - (e) Small Businesses/Professional Office/Professional Condo Office –
Minimum one charge for each office \$388.00
Additional charges based on water consumption \$388.00
 - (f) Trailer parks - each trailer \$388.00
 - (g) Service stations and garages \$388.00
Additional charges based on water consumption \$388.00
 - (h) Service stations and garages with washing
facilities \$770.00
Additional charges based on water consumption \$388.00
 - (i) Pumpout facilities for marinas \$388.00
 - (j) Churches \$388.00
 - (k) Public buildings \$760.00

REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026

- (l) The service charge for the use of services of the sewerage system for the persons who are hereinafter designated, shall be and the same is hereby fixed and determined as follows: The calculation of the said service charge shall be based and computed on the consumption of water on or in connection with the real property of such persons, which water consumption shall be determined by the reading of the water use meter used in connection with the real property of such person during the highest three (3) month period of such water used during any given billing year; such water use thus determined shall then be divided by a factor of twenty-seven thousand (27,000) and the quotient shall then be rounded upwards to the next highest whole number; the said quotient shall then be multiplied by a factor of \$388.00, and the resulting product, which shall be expressed in terms of dollars, shall be the annual sewerage charge for such persons.

The persons referred to in this section are the following: self service laundries, schools, restaurants, diners, bars, taverns, nursing homes, hospitals, bowling alleys, theatres, shopping centers, barber shops and beauty parlors. Large business establishments or industrial plants and other commercial establishments not herein specifically mentioned.

- (m) Any building, institution, commercial or industrial establishment discharging wastes other than domestic sewage will pay a premium charge for the waste. If the waste discharged into the sewer system by industrial users is stronger than allowed by the rules and regulations, the user shall pay a premium charge for the extra strength waste applied as a factor against the annual charge in category. The premium charge shall be based on the following formula for determination of the multiplication factor.

Factor=53.0%+19%(BOD in ppm*) +22% (ss in ppm*) +6%(chlorine demand in ppm*)

300

350

5

*Where these figures are less than 300 ppm in BOD or 350 ppm in suspended solids or 5ppm in chlorine demand, the value in the parentheses () shall be equal to "1".

The industrial user will be required to submit a report at least once monthly indicating the strength of sewage entering the Utility's system. The report shall be from an independent laboratory approved by the Utility. For billing purposes during any one year, the Utility will take the average of the samples submitted for use in determining the strength factor. If no reports are submitted to the Utility then the Utility reserves

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

the right to obtain representative samples and use the results obtained from the samples to determine the factor for billing purposes. The cost of any tests required to be performed by the Utility will be added to the user's charges.

All other provisions relating to industrial wastes will be found in the Rules and Regulations of the Utility.

- (n) Notwithstanding anything to the contrary in this section, the minimum service charge to be paid with respect to any type of property shall be\$388.00

SECTION 2:

All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 3:

This Ordinance shall take effect after final passage, adoption and publication according to law.

Ordinance No. 2 of 2026
(First Reading/Introduction)
M/S- Johnston/Dill

This ordinance was adopted by a unanimous vote of those present.

No. 2 of 2026

An Ordinance Granting Municipal Consent to NetSpeed LLC T/A GONETSPEED LLC for Permission to Non-Exclusive Use of Certain Specified Public Rights-of-Way within the City of Somers Point to Install a Fiber Optic Telecommunications System to be Attached to those Utility Poles for which Consent to Attach or Install has been Granted by Such Utility

WHEREAS, NetSpeed LLC, (“NetSpeed”), is a limited liability company formed under the laws of the State of New York having a principal office address of 77 Canal View Blvd, Suite 600, Rochester, NY 14623; and

WHEREAS, NetSpeed registered to do business in the State of New Jersey as a foreign limited liability company on July 9, 2024 with COGENCY GLOBAL INC as its New Jersey registered agent with a business address at 316 Berrhill Drive, Williamstown, New Jersey 08094; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

WHEREAS, on October 9, 2024, NetSpeed filed with the NJ Department of the Treasury Division of Revenue and Enterprises Services a Certificate of Alternate Name using GONETSPEED as the alternate name under which to do business in the State of New Jersey to provide fiber optic telecommunication service subject to regulation by the Federal Communications Commission; and

WHEREAS, NetSpeed has been approved by the New Jersey Board of Public Utilities to provide local telecommunications services within the State of New Jersey by Order entered by the State of New Jersey Board of Public Utilities on April 23, 2025 "IN THE MATTER OF VERIFIED PETITION OF NETSPEED LLC FOR AUTHORIZATION TO PROVIDE FACILITIES-BASED LOCAL EXCHANGE AND INTEREXCHANGE AND PRIVATE-LINE TELECOMMUNICATIONS SERVICES IN THE STATE OF NEW JERSEY" Docket No. TE24090627 (the "BPU Order") and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, NetSpeed has entered into a Joint Use License with Verizon New Jersey Inc. Centralized Licensing Group ("VERIZON") Agreement Number DNJ240008 dated November 19, 2025, which grants NetSpeed the non-exclusive right to attach its fiber-optic facilities which include the VERIZON utility poles within the City Rights-of-Way; and

WHEREAS, NetSpeed entered into an Infrastructure License Agreement with the Atlantic City Electric Company ("ACE") dated May 12, 2025, which permits NetSpeed the non-exclusive right to attach its fiber-optic facilities to ACE's facilities which include the ACE utility poles within the City Rights-of-Way; and

WHEREAS, NetSpeed may entered into additional agreements with parties that have the lawful right to maintain utility poles in the public right-of-way pursuant to which NetSpeed may use such utility poles erected within the public right-of- way in the City of Somers Point ("City"); and

WHEREAS, NetSpeed has requested the consent of the City to place, service and maintain telecommunications facilities on jointly used utility poles located in the public rights-of-way managed and under the control of the City (the City Rights-of-Way"); and

WHEREAS, N.J.S.A. 48:3-18 and N.J.S.A. 48: 3-19 authorize the City to grant municipal consent for the joint use of utility poles that have been lawfully erected within its rights-of-way; and

WHEREAS, the request for municipal consent has been reviewed by the City Solicitor and has been considered by this governing body; and

WHEREAS, the City Council deems it to be in the best interests of the citizens of the City to grant consent to NetSpeed to install telecommunications equipment in the public rights-of way under the control or jurisdiction of the City subject to the conditions herein set forth; and

REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026

WHEREAS, the rights granted to and the obligations imposed upon NetSpeed shall apply equally to GONETSPEED (hereinafter collectively referred to as “NetSpeed”).

Now therefore, be it **ORDAINED** by the Common Council of the City of Somers Point in the County of Atlantic, State of New Jersey that:

SECTION 1. Permission and authority are hereby granted to NetSpeed and its successors a non-exclusive municipal consent to use existing utility poles, and on replacement poles which are of a size and type equal to the poles being replaced and erected by parties that have the lawful right through municipal consent and the approval of the New Jersey Board of Public Utilities to maintain poles and conduits within the public right- of-way on those Somers Point public streets in the City of Somers Point for the construction, installation, operation, repair, maintenance and replacement of a fiber optic telecommunications system subject to the following conditions:

- A. NetSpeed and its successors shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
- B. NetSpeed and its successors shall:
 - i) Limit the right-of-way within which NetSpeed shall be permitted to install its fiber optic install telecommunications equipment to utility poles situated with right-of-way under the jurisdiction or control of the City along the routes designated on Map 1 attached hereto and incorporated herein as **Exhibit “A”** [a copy of which is on file in the office of the City Clerk and available for public inspection during normal business hours];
 - ii) comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the City of Somers Point or by the City of Somers Point Development Ordinances;
 - iii) provide the City of Somers Point Construction Official / Code Enforcement Officer and City of Somers Point City Engineer with the location of each pole upon which fiber optic facilities are proposed to be placed together with the pole identification number, the identity of the owner of pole and Geographic Information System (GIS) map;
 - iv) not install on any utility pole any device other than a fiber optic attachment which is of the size and type described in **Exhibits “B-1”, “B-2”, and “B-3”** [copies of which are on file in the office of the City Clerk and are available for public inspection during normal business hours];
 - v) at all times comply with the terms and conditions of that certain Rights-of-Way Use Agreement between the City of Somers Point and NetSpeed, as same may be supplemented and amended.
- C. NetSpeed shall not install any replacement poles, which will be done only by the utility company owning the pole.
- D. This grant of municipal consent is not to be construed as authorizing the erection of any new pole within the right of way nor is it to be construed as authorizing NetSpeed to attach to

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

any pole, structure, or other facility owned by or under the control of the City of Somers Point or any third party other than a New Jersey public utility from which consent to attach to such pole has been granted in writing.

E. Notwithstanding anything to the contrary contained herein, NetSpeed shall adhere to the terms and conditions of the underlying easement granted to the owner of the pole by the owner of the underlying soil, and NetSpeed shall not overburden any existing easement

F. Nothing contained herein shall pre-empt or in any way preclude or constitute a waiver of the City's exercise of its planning or zoning powers under the New Jersey Municipal Land Use Law or other applicable law relative to the placement, regulation, zoning, or suitability of such structures within the City.

G. This grant of municipal consent is limited exclusively to NetSpeed / GONETSPEED for its own fiber optic equipment to provide services to customers using the NetSpeed network.

H. NetSpeed shall not install any of its telecommunication system equipment on any pole within any municipal right-of-way other than described in Section 1. B. iv) of this ordinance without the express consent of the governing body of the City through enactment of a supplemental ordinance granting such use.

I. This municipal consent is hereby given upon the further condition and provision that NetSpeed and its successors, shall to the fullest extent permitted by law, defend, pay on behalf of, indemnify, and hold harmless the City of Somers Point, its elected and appointed officials, its contractors, agents, employees and volunteers, the Atlantic County Joint Insurance Fund, and others working on behalf of the City of Somers Point from and against any and all claims, demands, suits, or loss, including all legal and professional fees, costs and any other expenses connected therewith, and for any damages which may be asserted claimed or recovered against or from the City of Somers Point, its elected and appointed officials, its agents, employees, volunteers, the Atlantic County Joint Insurance Fund, or others working on behalf of the City of Somers Point by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arise out of this consent, except to the extent resulting solely from the acts or omissions of the City of Somers Point.

NetSpeed shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million Dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, an automobile insurance policy with combined single limits of Two Million Dollars (\$2,000,000.00) for bodily injury (including death) and property damage each occurrence, an excess liability policy (or "umbrella") policy amount in the amount of Five Million Dollars (\$5,000,000.00), and Workers Compensation insurance in compliance with the statutory requirements of the State of New Jersey. The City of Somers Point, its elected and appointed officials, its agents, employees, contractors, volunteers, and the Atlantic County Joint Insurance Fund, shall be included as an "Additional Insured" as their interests may appear under

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

this municipal consent ordinance on all general liability policies; and NetSpeed shall provide the City of Somers Point City Clerk with certificates of insurance (which shall be maintained and kept current at all times during the period of this municipal consent) and which shall provide for not less than thirty (30) days' notice in the event of cancellation or termination; and shall also provide a copy of the Additional Insured, Waiver of Subrogation, and Primary not Secondary Coverage Endorsements to such policies.

In the event NetSpeed shall utilize third party contractors and / or subcontractors to perform any of the work contemplated by this Agreement, NetSpeed shall require such contractors / subcontractors to procure and provide the same policies of insurance with the same terms and conditions set forth in the prior paragraph.

Insurance maintained by any contractor / subcontractor shall not relieve NetSpeed of its obligation to defend, indemnify and hold harmless the City as set forth above.

J. NetSpeed shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations arising from its construction, installation, or maintenance of its facilities.

K. NetSpeed and its successors shall file with the Clerk of the City of City of Somers Point true and complete copies of all agreements between NetSpeed and the owner(s) of the poles to which NetSpeed proposes to attach.

L. As authorized by N.J.S. A. 48:3-15, the permission and authority hereby granted shall continue for a term of fifteen (15) unless the underlying connection agreements between NetSpeed and VERIZON, and ACE, or any other utility pole attachment agreement which NetSpeed / GONETSPEED shall have entered shall be earlier terminated, and is further subject to continuation of a municipal consent by the City of Somers Point granted to those parties whose utility poles to which NetSpeed is attaching its fiber optic facilities and, to the extent required, approval of such municipal consent by the New Jersey Board of Public Utilities (or its successor agency).

N. The Mayor and the City Clerk are authorized to execute and deliver such documents as necessary to effectuate this grant of municipal consent.

O. Upon final passage the City Clerk shall send certified copies of this Ordinance to NetSpeed, GONETSPEED, and to the Atlantic County Clerk.

SECTION 2. Upon adoption this Ordinance shall be codified in the City of Somers Point Municipal Code as Appendix A270 "NetSpeed Municipal Consent".

SECTION 3. In the event any section, clause, sentence, phrase or provision or any item in this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. All other ordinances inconsistent herewith are hereby repealed.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

SECTION 5. This Ordinance shall take effect after final passage, approval, and publication as required by law.

Ordinance No. 3 of 2026
(First Reading/Introduction)

M/S- McGuigan/

This ordinance did not receive the required motions to pass to the second reading.

No. 3 of 2026

**An Ordinance Repealing Chapter 20 of the Municipal Code Entitled
“Economic Development Advisory Committee” and Establishing Two New
Subcommittees to Address Economic Development and City Promotion, and Repealing
Section 228-10 “Use of Proceeds”**

WHEREAS, the City Council of the City of Somers Point recognizes the importance of fostering responsible development, redevelopment, and business growth within the community; and

WHEREAS, the City Council further acknowledges the value of coordinated efforts to promote the City and its community events in order to support local commerce, tourism, and civic pride; and

WHEREAS, the existing structure of the Economic Development Advisory Committee, established by Chapter 20 of the Municipal Code, is no longer the most effective means of achieving these goals; and

WHEREAS, the City Council finds it in the best interests of the City to repeal Chapter 20 and establish two new subcommittees — one composed of members of the City Council and another appointed by the Mayor to directly and efficiently advance the City’s development and promotional objectives.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Somers Point, County of Atlantic, State of New Jersey, as follows:

SECTION 1. Repeal of Chapter 20.

Chapter 20 of the Municipal Code of the City of Somers Point, entitled “Economic Development Advisory Committee,” and all amendments thereto, are hereby repealed in their entirety.

SECTION 2. Establishment of the Somers Point City Council Economic Development Subcommittee.

- A. There is hereby established a City Council Economic Development Subcommittee, which shall consist of three (3) members of the City Council, appointed annually by the Council President. In its meeting first following each annual City Council Reorganization Meeting the three members shall elect a chairperson.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

- B. The Subcommittee shall be responsible for:
 - 1. Reviewing and advising the full City Council on matters related to development, redevelopment, and economic opportunities within the City;
 - 2. Recommending policies, incentives, and strategies to attract and retain businesses;
 - 3. Coordinating with City professionals, boards, and outside agencies on redevelopment projects; and
 - 4. Reporting to the full Council as needed on economic initiatives.
- C. The Subcommittee shall meet as necessary at the request of its Chairperson.

SECTION 3. Establishment of the City Promotions and Events Subcommittee.

- A. There is hereby established a City Promotions and Events Subcommittee, which shall consist of up to three (3) members, all of whom shall be appointed annually by the Mayor.
- B. The Subcommittee shall work in cooperation with the City Recreation Program Coordinator and shall be responsible for:
 - 1. Assisting in the planning and promotion of City-sponsored events and community activities;
 - 2. Developing initiatives to enhance the City’s image and tourism appeal; and
 - 3. Supporting partnerships with local organizations, businesses, and volunteers to promote civic engagement.
- C. The Subcommittee shall serve in an advisory capacity and shall make recommendations to the Mayor and Council concerning promotional and event initiatives.

SECTION 4. Repeal of Section 228-10 “Use of proceeds” in Article II of Chapter 228 Taxation of the Somers Point Municipal Code.

Section 228-10 “Use of proceeds” in Article II of Chapter 228 Taxation of the Somers Point Municipal Code is deleted in its entirety.

SECTION 5. Severability.

If any section, paragraph, clause, or provision of this Ordinance shall be adjudged invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect or invalidate the remaining provisions of this Ordinance.

SECTION 6. the Standing Committees created by this ordinance shall remain in effect unless and until rescinded or amended by subsequent Council ordinance.

SECTION 7. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication according to law.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

(First Reading/Introduction)

M/S- Dill/Johnston

This ordinance was adopted by a unanimous vote of those present.

No. 4 of 2026

**An Ordinance Deleting and Replacing Article I – Purpose, Definitions;
Development Fees; Affordable Housing Trust Fund of Chapter 69 – Affordable
Housing**

Whereas, the City of Somers Point filed a Declaratory Judgment Action on January 23, 2025 seeking a certification of compliance with the Fair Housing Act; and

Whereas, the Somers Point Planning Board adopted the 2025 Housing Element & Fair Share Plan for the Fourth Round on June 26, 2025, which was duly endorsed by the City Council, and timely filed with the Affordable Housing Dispute Resolution Program; and

Whereas, the City has entered into a Consent Order with Fair Share Housing Center that requires all of the implementing documents, including an Affordable Housing Ordinance, to be adopted by March 15, 2026; and

Whereas, new N.J.A.C. 5:99 regulations were adopted in December of 2025; and

Whereas, the City seeks to delete and replace its existing Development Fee Ordinance to reflect the new regulations.

Now therefore, it is hereby ORDAINED by the City Council of the City of Somers Point as follows:

SECTION 1: Chapter 69 “Affordable Housing”, Article I “Purpose, Definitions; Development Fees; Affordable Housing Trust Fund” is hereby deleted in its entirety and replaced as follows:

Article I Affordable Housing Development Fees

§69-1 Purpose.

- A. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the Mount Laurel doctrine, including but not limited to the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, as well as the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this section shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

§69-2 Basic Requirements.

- A. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
- B. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
- C. Nothing herein shall be construed to create municipal liability for good-faith estimates of equalized assessed value.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

§69-3 Definitions.

A. The following terms when used in this Article shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP.

AFFORDABLE HOUSING MONITORING SYSTEM OR AHMS

The Department's cloud-based software application shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

AFFORDABLE HOUSING TRUST FUND OR AHTF

The non-lapsing, revolving trust fund established in the Department pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes.

COAH OR THE COUNCIL

The Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

DEPARTMENT

The New Jersey Department of Community Affairs.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE

Money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

EQUALIZED ASSESSED VALUE OR EAV

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

§69-4 Residential development fees.

A. **Imposed fees.**

REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026

- (1) Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (2) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance **application, the base density for the** purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development.

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to March 20, 2024, when the payment-in-lieu section was removed from the Fair Housing Act.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- (3) The expansion of a residential structure to create a separate housekeeping unit, the conversion of a residential structure to nonresidential use, or the expansion of a residential structure or conversion to a more intense use shall be subject to development fees unless the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the converted structure or the equalized assessed value of the newly created residential unit.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

(4) No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

§69-5 Non-residential development fees.

A. Imposition of fees.

(1) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

(2) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

(3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for non-residential development.

(1) The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.

(2) The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

C. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

D. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

E. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

§69-6 Collection procedures.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- D. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

§69-7 Appeal of development fees.

- A. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- B. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§69-8 Affordable Housing Trust Fund.

- A. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (1) Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to March 20, 2024, when the payment-in-lieu section was removed from the Fair Housing Act.
 - (2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- C. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- D. Occurrence of any of the deficiencies outlined in N.J.A.C. 5:99 may result in the Department requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund.
- E. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

§69-9 Use of funds.

- A. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

- B. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- C. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
 - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - (2) Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- D. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

§69-10 Ongoing collection of fees.

- A. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.

§69-11 Emergent affordable housing opportunities.

- A. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

SECTION 4. This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Ordinance No. 5 of 2026
(First Reading/Introduction)
M/S- Johnston/McGuigan

This ordinance was adopted by a unanimous vote of those present.

No. 5 of 2026

An Ordinance Amending and Supplementing the Chapter 69 – Affordable Housing, Article II – Fair Share and Affirmative Marketing Plan, and Article III – Affordable Housing Set-Aside for Certain New Residential Development

Whereas, the City of Somers Point filed a Declaratory Judgment Action on January 23, 2025 seeking a certification of compliance with the Fair Housing Act; and

Whereas, the Somers Point Planning Board adopted the 2025 Housing Element & Fair Share Plan for the Fourth Round on June 26, 2025, which was duly endorsed by the City Council, and timely filed with the Affordable Housing Dispute Resolution Program; and

Whereas, the City has entered into a Consent Order with Fair Share Housing Center that requires all of the implementing documents, including an Affordable Housing Ordinance, to be adopted by March 15, 2026; and

Whereas, new N.J.A.C. 5:99 regulations and new Uniform Affordability Housing Controls rules were adopted in December of 2025; and

Whereas, the Department of Community Affairs (“DCA”) is preparing a template affordable housing ordinance for municipalities; however said template has not yet been released; and

Whereas, in order to comply with the March 15, 2026 deadline, the City is adopting this interim ordinance until the DCA issues a template ordinance, and will introduce an amended affordable housing ordinance after the state template is released; and

Whereas, the City seeks to amend and update its existing Affordable Housing Ordinance to reflect the new regulations.

Now, therefore, it is hereby ORDAINED by the City Council of the City of Somers Point as follows:

SECTION 1: Chapter 69 “Affordable Housing”, Article II “Fair Share and Affirmative Marketing Plan” is hereby deleted in its entirety and replaced as follows:

Article II AFFORDABLE HOUSING REGULATIONS

§69-12 **Purpose and applicability.**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

- B. This Article of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the City of Somers Point consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”), the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
- C. This Article is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This article shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below.
- D. The Somers Point Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- E. This Article implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- F. Applicability.
- (1) Nothing hereinto shall be interpreted to deprive the City of any rights, including the right to seek approval of any waivers permitted under UHAC or other relevant sources of law.
 - (2) The provisions of this Article shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - (3) This Article shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
 - (4) Projects receiving federal Low Income Housing Tax Credit financing shall be required to follow UHAC unless exempt pursuant to N.J.A.C. 5:80-26.1, including but not limited to developments with anticipated funding from the Federal Low-Income Housing Tax Credit (LIHTC) pursuant to Section 42 of the Internal Revenue Code. The developer shall be responsible for administration and affirmative marketing of the affordable units.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

§69-13 Fractional units.

- B. Inclusionary developments that result in an affordable housing obligation that is fractional shall round up and provide the additional affordable unit.

§69-14 Affordable housing programs.

- C. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.”
- D. All affordable housing units created within the City of Somers Point shall comply with the version of UHAC, N.J.A.C. 5:80-26.1, et seq. in effect at the time of application or zoning approval.

§69-15 Municipal Housing Liaison.

- F. The City of Somers Point shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted.
- G. Administrative Agent. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee.
- H. The Municipal Housing Liaison’s responsibilities can be found in N.J.A.C. 5:99.

§69-16 Administrative Agent.

- I. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
- J. The fees for administrative agents shall be paid as follows:
 - (1) Administrative agent fees related to rental units shall be paid by the developer/owner.
 - (2) Administrative agent fees related to initial sale of units shall be paid by the developer.
 - (3) Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - (4) Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
- K. The Administrative Agent’s responsibilities can be found in N.J.A.C. 5:99.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

§69-17 **Enforcement of affordable housing regulations.**

- C. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- D. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
- (a) A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense. In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the City of Somers Point Affordable Housing Trust Fund of
- (b) the gross amount of rent illegally collected.
- (c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (2) The City may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit:
- (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title

REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026

conveyed pursuant to the Sheriff's sale.

- (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees
- (e) and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (f) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

(g) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

E. A fine pursuant to B.(1)(a) above shall not be issued unless the municipal housing liaison first provides the owner with written notice no less than two months prior to the date the fine is levied. A fine shall only be issued if the offense has not been cured within that two-month timeframe.

§69-18 **Appeals.**

F. Appeals from all decisions of an administrative agent appointed pursuant to this Article must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division of Local Planning Services within the Department of Community Affairs. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

SECTION 2. Chapter 69 “Affordable Housing”, Article III “Affordable Housing Set-Aside for Certain New Residential Development” is hereby deleted in its entirety and replaced as follows:

Article III (RESERVED)

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4. Should any section, clause, sentence, phrase or provision or any item in any schedule of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5. This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

Resolutions:

Public Portion Resolutions:

Council President Gerety pulled Resolution 75 of 2026.

Council President Gerety duly opened the meeting to the public.

John Helbig of Somers Point shared his opinion and concerns on Resolution 77 of 2026.

Rob Hopkins of Somers Point asked for clarification on Non-Profit Organizations and property taxes and expressed his feelings pertaining to resolution 77 of 2026.

Levi Fox of Somers Point shared a relatable reading in particular to Resolution 79 of 2026.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Ed Dickson of Ocean City shared his gratitude to the Mayor and City Council for Designating August 2026 as Military Veterans Appreciation Month.

An individual asked for clarification on Resolution 78 of 2026.

Hearing nothing further from the public, the public portion was duly closed.

Resolution No. 66 of 2026

M/S- Johnston/Dill

This resolution was adopted by a unanimous vote of those present.

Council Member Dill shared his appreciation to Council Members McGuigan and Slaughter for the work they put into drafting this Resolution.

Council Members McGuigan and Slaughter expressed it was a privilege to be able to work on this Resolution.

Council Members McGuigan and Slaughter presented Ed Dickenson with a copy of Resolution number 66 of 2026.

No. 66 of 2026

Subject: A Resolution Designating August 2026 as “Military Veterans Appreciation Month” in the City of Somers Point

Introduced By: Council Members S. Morgan Slaughter and Sean T. McGuigan

WHEREAS, the City of Somers Point is home to many military veterans who have honorably served the United States of America during times of war and peace; and

WHEREAS, these brave men and women have demonstrated extraordinary courage and made significant personal sacrifices in defense of our nation, its freedoms, and its democratic values; and

WHEREAS, military veterans have contributed greatly to the strength and vitality of the City of Somers Point through their continued service as civic leaders, volunteers, public servants, business owners, and engaged residents; and

WHEREAS, Somers Point has a long history of supporting and honoring military veterans and is home to many Veterans Service Organizations; and

WHEREAS, it is fitting and proper that the Mayor and City Council of the City of Somers Point formally recognize and express appreciation for the service, dedication, and sacrifices of all military veterans; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

WHEREAS, designating a Military Veterans Appreciation Month provides an opportunity for the community to recognize, honor, and thank those who have served in the Armed Forces of the United States;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Somers Point, County of Atlantic, State of New Jersey, that **August 2026 is hereby designated as “Military Veterans Appreciation Month” in the City of Somers Point;** and

BE IT FURTHER RESOLVED, that the Mayor and City Council encourage residents, civic organizations, businesses, and community groups to observe this month with appropriate programs, activities, and expressions of gratitude in recognition of our military veterans; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to local veterans’ organizations and made available to the public as a symbol of the City’s appreciation and respect.

Resolution No. 67 of 2026

M/S- Dill/Johnston

This resolution was adopted by a unanimous vote of those present.

No. 67 of 2026

Subject: Amending Resolution 127-2025 Authorizing the Chief Financial Officer to Cancel Grant Balance

Introduced By: Council President Gerety

WHEREAS, the Chief Financial Officer has completed a review of the Grant Fund; and
WHEREAS, as a result of the review, the Chief Financial Officer recommends cancelling the balance from the grant fund for Opioid Settlement funds in the amount of \$65,216.25, and establishing a reserve in the current operating fund called “Reserve for Opioid Settlement,” retroactive to December 31, 2025.

Resolution No. 68 of 2026

M/S- Dill/Johnston

This resolution was adopted by a unanimous vote of those present.

No. 68 of 2026

Subject: Taxes Cancelled Block 527, Lot 7

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Introduced By: Council President Gerety

WHEREAS, the property owner at 62 Defeo Lane is a 100% permanently and totally disabled veteran; and

WHEREAS, the owner has filed all of the forms and provided all the necessary documentation for tax exemption; and

WHEREAS, the owner is now entitled to total real estate tax exemption; and

WHEREAS, the taxes for 1st quarter 2026 should be canceled in the amount \$2,153.62; and

WHEREAS, all future tax billing should be canceled; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, that the above taxes be canceled.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Qual.	Owner	Amount	Year
527	7		Gregory Germeil	\$2,153.62	2026
				Total \$2,153.62	

Resolution No. 69 of 2026

M/S- Dill/Johnston

This resolution was adopted by a unanimous vote of those present.

No 69 of 2026

Subject: Taxes Cancelled and Refunded Block 1629, Lot 19

Introduced by: Council President Gerety

WHEREAS, the property owner at 108 Colwick Drive is a 100% permanently and totally disabled veteran; and

WHEREAS, the owner has filed all of the forms and provided all the necessary documentation for tax exemption; and

WHEREAS, the owner is now entitled to total real estate tax exemption; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

WHEREAS, the taxes for the 1st quarter of 2026 should be refunded in the amount of \$1,324.10; and

WHEREAS, all future tax billing should be canceled; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point, that the above taxes be refunded and canceled.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the City Clerk.

Block	Lot	Qual.	Owner	Amount	Year
1629	19		Seamus McWilliams	\$1, 324.10	2026
				Total \$1,324.10	

Resolution No. 70 of 2026

M/S- Dill/Johnston

This resolution was adopted by a unanimous vote of those present.

No. 70 of 2026

Subject: **Authorizing Purchase through Omnia Partners Purchasing Cooperative for Digital Workspace Solutions for the City of Somers Point**

Introduced By: **Council President Gerety**

WHEREAS, N.J.S.A. 52:34-6.2 permits contracting units to participate in nationally recognized purchasing cooperatives; and

WHEREAS, Omnia Partners is a nationally recognized purchasing cooperative that has acted as the lead agency and awarded contracts for various goods and services; and

WHEREAS, the City of Somers Point is an active participant in the Omnia Partners Cooperative; and

WHEREAS, participation in the Omnia Partners Purchasing Cooperative provides the City with greater purchasing flexibility, opportunities to achieve cost savings, and a reduction in administrative expenses; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey authorizes the City’s Qualified Purchasing Agent to purchase certain goods or services through the Omnia Purchasing Cooperative, namely Konica Minolta Business USA Inc – Dba All Covered Inc (Contract #R241202) Digital Workspace Solutions, Period Start Date 06/01/2025 Expiration 05/30/2030 pursuant to all conditions of the individual Contracts:

ITEM: **Managed IT Services & Support Proposal City of Somers Point**

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Managed IT Services & Support Proposal Somers Police Department

TOTAL PRICE:

Managed IT Services & Support Proposal City of Somers Point

Total Estimated Monthly Fee of: \$6,716*

* Fixed Fee of: \$5,793

* Estimated Fee for Microsoft Seat-Based Licensing of: \$923

Managed IT Services & Support Proposal Somers Police Department

Total Estimated Monthly Fee of: \$5,601*

* Fixed Fee of: \$5,181

* Estimated Fee for Microsoft Seat-Based Licensing of: \$420

Total Monthly Cost..... \$12,317.00

Total Annual Cost..... \$147,804.00

OMNIA CONTRACT NO: **Konica Minolta Business USA Inc – DbA All Covered
Inc(Contract #R241202) Digital Workspace Solutions,
Expiration 5/30/2030**

BE IT FURTHER RESOLVED, that the City Council of the City of Somers Point, in the County of Atlantic, State of New Jersey authorizes the City’s Business Administrator and Qualified Purchasing Agent to execute an agreement with Konica Minolta Business USA Inc – DbA All Covered Inc (Contract #R241202) for the referenced goods or services through the Omnia Purchasing Cooperative, namely Konica Minolta Business USA Inc – DbA All Covered Inc subject to any adjustments needed by the City’s JIF and in consultation with the City Solicitor.

Resolution No. 71 of 2026

M/S- Dill/Slaughter

This resolution was adopted by a unanimous vote of those present.

Council Member McGuigan expressed his positive support on the advancement of Brianna McNair.

No. 71 of 2026

Subject: Employee Advancement of Brianna McNair

Introduced By: Council President Gerety

WHEREAS, it is the policy of the City of Somers Point to advance employees according to their individual merits and in accordance with the New Jersey Civil Service Commission Policies and Procedures; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

WHEREAS, Brianna McNair has been employed by the City of Somers Point since March 1st, 2015, has performed the duties of Bookkeeper 1B in the Department of Finance in addition to completing coursework towards her Certified Municipal Finance Officer Certification; and

WHEREAS, the Municipal CMFO, City Administrator, and City Council Personnel Committee have recommended that Brianna McNair be advanced; and

WHEREAS, adequate funds are available within the Finance Office operations in the 2026 Temporary Budget for this promotion.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

- 1.) Effective January 1st 2026 the salary of Brianna McNair will be in accordance with the designation of Bookkeeper 6 (11,12 years of service), White Collar Section of the agreement between the City of Somers Point and Teamsters Union Local No. 115, which for 2026 is \$58,500.00. In addition, McNair will receive \$11,500.00 due to her expanded duties as Provisional Deputy CMFO subject to any Civil Service testing that may be required.

Resolution No. 72 of 2026

M/S- Dill/Slaughter

This resolution was adopted by a unanimous vote of those present.

Mayor and City Council shared the great interactions they experienced with Guy Martin over his extensive career. They also commended him on what a great employee and leader he was to the Public Works Department and wished him the best in his retirement.

No. 72 of 2026

Subject: Authorizing Agreement with Public Works Supervisor Guy Martin

Introduced By: Council President Gerety

WHEREAS, after long and dedicated service to the City of Somers Point (initial hire date July 1st 1978), Public Works Supervisor Guy Martin intends to retire from the Somers Point Public Works Department effective January 1st, 2026; and

WHEREAS, upon retirement Guy Martin is entitled to certain payments and benefits in accordance with the agreement effective January 1st, 2020 between the City of Somers Point and Guy Martin; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

WHEREAS, the City of Somers Point has determined that Guy Martin will have an accumulated, reimbursable total of 28.47 days of unused sick leave, and 34.37 days of unused vacation days as of the effective date of his retirement; and

WHEREAS, pursuant to the agreement between the City of Somers Point and Guy Martin, the City of Somers Point shall tender to Guy Martin payment for unused sick leave and authorized leave and provide health benefits to Guy Martin in his retirement as defined in the attached termination agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Somers Point hereby authorizes the City Administrator to provide all rights and entitlements to Guy Martin as enumerated in the termination agreement between the City of Somers Point and Guy Martin.

BE IT FURTHER RESOLVED that the City Council of the City of Somers Point congratulates Guy Martin and wishes him the best of luck in his retirement.

Resolution No. 73 of 2026

M/S- Dill/Johnston

This resolution was adopted by a unanimous vote of those present.

No. 73 of 2026

Subject: Full Time Hiring of Devon Osler

Introduced By: Council President Gerety

WHEREAS, due to a resignation it is necessary for the City of Somers Point to consider the hiring of a Confidential Assistant to the City Administrator; and

WHEREAS, it is the policy of the City of Somers Point to hire and advance employees according to their individual merits and in accordance with the New Jersey Civil Service Policies and Procedures; and

WHEREAS, Mrs. Osler has been working in a Part-Time capacity in the City's Finance and Administration Departments and has performed her duties well; and

WHEREAS, the City Administrator and the Certified Municipal Finance Officer recommend the hiring of Devon Osler to the Full-Time position of Confidential Assistant to the City Administrator; and

WHEREAS, adequate funds are available within the City Administration Department in the 2026 temporary budget for this Full-Time hiring.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

- 2.) The hiring of Devon Osler to the Full-Time position of Confidential Assistant to the City Administrator, an Unclassified position within New Jersey Civil

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Service (Local Government Job Specification 06977), is hereby approved February 12th, 2026 and her actual start date will be February 9th 2026, unless postponed at the discretion of the City Administrator.

- 3.) The terms of her employment are as contained in an offer of employment letter dated February 2nd 2026, attached hereto and made a part hereof.
- 4.) This is an “at will” employment and is subject to the personnel policies and procedures of the City of Somers Point.

Resolution No. 74 of 2026

M/S- Dill/Johnston

This resolution was adopted by a unanimous vote of those present.

No. 74 of 2026

Subject: **Authorizing Executive Session Advice of Counsel and Attorney-Client Communication Regarding the Status of Property Assessment Litigation in the Tax Court Involving the City, Entitled, “Powersports Holdings, LLC V. City of Somers Point and GMH Restaurant Holdings, LLC,” Having A Docket Number of ATL-C-000078-24**

Introduced By: **Council President Gerety**

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend, and

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on February 12, 2026, during a public meeting to be held commencing at 7:00 P.M, and

WHEREAS there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

1 “(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer.”

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

Advice of Counsel and attorney-client communication regarding the status of property assessment litigation in the Tax Court involving the City, entitled, “Powersports Holdings, LLC v. City of Somers Point and GMH Restaurant Holdings, LLC,” having a docket number of ATL-C-000078-24.

WHEREAS the length of the Executive Session is estimated to be approximately 15 minutes after which the public meeting of the City Council shall reconvene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
See Exception 7	Unknown at this time	Discussion by City Council relative to the status of litigation.

Resolution No. 75 of 2026

No. 75 of 2026

PULLED

Subject: Authorizing Executive Session Advice of Counsel Regarding a Potential Modification to the Redevelopment Agreement for the Project at Bay and Maryland Avenues

Introduced By: Council President Gerety

REGULAR MEETING MAYOR AND CITY COUNCIL February 12, 2026

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Somers Point City Council to be held in public, and N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive Session,” i.e. without the public being permitted to attend; and

WHEREAS, the Somers Point City Council has determined that there is one (1) topic which requires the advice and counsel of the City Solicitor and is a matter permitted by N.J.S.A. 10:4-12(b) as an exception to open public meeting requirements; and is necessary to be discussed without the public in attendance during an Executive Session to be held on February 12, 2026 during a public meeting to be held commencing at 7:00 P.M; and

WHEREAS there are nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b). Listed below, is the exception relied upon; and after the exception is a space within which the number of issues to be privately discussed that fall within that exception shall be written and within which additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

1

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer.”

The nature of the matters to be discussed, described as fully as possible without undermining the need for confidentiality:

Discussion of and Advice of Counsel and attorney-client privileged communications regarding the status of a potential modification to the redevelopment plan and agreement for Block 1007, Lots 1, 2 and 3; Block 1008, Lot 3; and Block 1211, Lot 2 (portion) in the AH-1 and AH-2 Zones (Bay, Maryland and Pleasant Avenues).

WHEREAS the length of the Executive Session is estimated to be approximately 30 minutes after which the public meeting of the City Council shall reconvene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8, 2009, that arose that the City Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure

can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence
-----------------------	----------------	----------------------

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

See Exception 7	Unknown at this time	Discussion by City Council relative to the potential of entering into a redevelopment plan and agreement for properties in the AH-1 and AH-2 Zones.
------------------------	-----------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------

Resolution No. 76 of 2026

M/S- Johnston/Slaughter

This resolution was adopted by a unanimous vote of those present.

No. 76 of 2026

Subject: Resolution Opposing the Proposed “Protecting Against Climate Threat (Pact)/Resilient Environments and Landscape (Real)” Rules

Introduced By: Council President Gerety

WHEREAS, on July 14, 2025, the New Jersey Department of Environmental Protection announced intent to amend the NJ PACT REAL regulations; and

WHEREAS, on January 20, 2026, the changes to the NJ PACT REAL regulations were adopted and will go into effect on July 20, 2026; and

WHEREAS, the City of Somers Point opposes the amended coastal rules proposed by the State of New Jersey. These rules will impact the availability of affordable housing, result in environmental equity issues, deter economic development, impose an unnecessary layer of State regulation, potentially require New Jersey homeowners to obtain flood insurance; and have other harmful impacts on the residents and businesses in New Jersey; and

WHEREAS, the City of Somers Point acknowledges that climate change and sea level rise are a documented risk to the coastal zone of New Jersey and its barrier island communities, requiring thoughtful and well-reasoned response from all levels of government; and

WHEREAS, the City of Somers Point continues to respond to the threat of tidal flooding/major coastal storms by practicing the highest standards of coastal resiliency and floodplain management in all critical infrastructure and building projects, while also providing the necessary support to our local communities in the approach, duration, and wake of major coastal storms; and

WHEREAS, the City of Somers Point is extremely disappointed in the level of transparency during this rule making process. The coastal municipalities and counties were not included in the stakeholder meeting when these rules were being formulated. Finally, when we were afforded the opportunity to meet with NJDEP staff we were told that a detailed economic impact analysis that studies the impact of these rules on local communities would be provided, to date this

REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026

analysis has not been distributed. Also, the responses to the 2,965 comments on the initial rules were to be made public; and

WHEREAS, historically, new rules issued by the NJDEP have always been promulgated pursuant to legislation through the typical legislative process; and

WHEREAS, in this case, like the NJDEP's recently proposed Shore Protection Rule, there is no legislation that authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and

WHEREAS, NJDEP uses a year 2100-time horizon and the 17th percentile chance of occurrence as the basis for these regulations. Science has demonstrated that the brightest minds cannot predict with accuracy the impacts of sea level rise over twenty years let alone seven-five years which is the basis of the published regulations. This is supported by the fact that municipal master planning efforts project twenty years in the future due to uncertainties. These regulations should be applied incrementally based on twenty year projects; and

WHEREAS, by creating a new flood zone (inundation risk zone or IRZ) with strict development standards, expanding existing flood zones (climate adjusted flood elevation or CAFE), and creating new 3

percent impervious coverage limits (CAFRA Critical Environmental Areas), thousands of prime developable acres of land will be either undevelopable or much harder to develop. This will impact major projects and hurt rateables. Given that the most restrictive development limits are on lands closer to the water, the rule would impact some of the state's most valuable lands; and

WHEREAS, these rules as currently written do not consider the economic impact these new standards may have on the rateables, real-estate values, development, and redevelopment statewide, but especially in Atlantic County where we have more than \$8 billion in annual tourism spending according to the New Jersey Division of Tourism. Tourism is the largest industry in Atlantic County; and

WHEREAS, the proposed rules also do not account for the impact these higher regulatory building standards will impose on historic structures and historic districts in the City of Somers Point, throughout Atlantic County, and State of New Jersey; and

WHEREAS, the State of New Jersey must also consider the burden these new rules will have on coastal municipalities, especially within their local construction offices, due to the additional duties and responsibilities of enforcing these higher regulatory standards that will likely result in the need to hire additional staff or enter additional public/private contracts; and

WHEREAS, these rules will also increase construction costs and impact the feasibility for public infrastructure projects with the minimum construction height requirements for new roads in excess of Base Flood Elevation, will be infeasible and unachievable given the path and location of the project; and

WHEREAS, despite the burden these rules will inevitably play on our coastal towns, the State of New Jersey has not mentioned any plan for a State budget appropriation to assist coastal towns statewide with the additional duties and functions imposed through the proposed NJPACT REAL regulations; and

WHEREAS, the proposed expansion of flood hazard areas will also create additional financial burdens for lower and middle class property owners living in the City of Somers Point by imposing more restrictive building standards accompanied by engineering assessments and

REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026

alternatives analyses within the newly expanded regulated areas and may also potentially result in higher insurance premiums given the expansion of the inundation risk zone and increase of the regulated flood hazard area limits by 4 feet vertically; and

WHEREAS, the proposed NJPACT REAL regulations are based Science and Technical Advisory Panel Report (2019 STAP Report) entitled, “New Jersey Rising Seas and Changing Coastal Storms,” projecting sea level rise for the year 2100 exceeding 5.1 feet, which has a probability of occurrence of approximately 17%; and

WHEREAS, since the 2019 STAP Report several key studies on sea level rise were issued as was the International Panel on Climate Change (IPCC) Assessment that addressed sea level rise. The more recent studies do not support the idea of a 5.1 foot sea level rise as being likely. The IPCC and all the newer scientific reports predict that worldwide sea level rise this century will be 0-2 feet; and

WHEREAS, municipalities are required to prepare Master Plans for a 20-year planning horizon, and the City of Somers Point strongly recommends a similar time horizon for rules based on sea level rise projections; and

WHEREAS, the City of Somers Point, like a lot of Counties and Municipalities nationwide, are experiencing a housing crisis due in part to the high cost of housing, and these requirement will significantly increase the cost of housing, making it difficult if not impossible to provide affordable housing for the region’s workforce; and

WHEREAS, the NJDEP’s proposed expansion of flood hazard areas limits the potential capacity of mixed income housing development and even prohibits development in most coastal areas where there is already statutory affordable housing obligations imposed through fair share housing laws, especially as inland development centers are being reduced in size via the State Planning process; and

WHEREAS, the proposed coastal regulations will create an Environmental Justice issue since local residents will be deterred from improving their homes because they will have to elevate 6 feet above BFE which they cannot afford when they improve their homes above 50 percent of its value, hence those in most need of shelter will witness the deterioration of their homes and be forced to relocate; and

WHEREAS, the Federal Emergency Management Agency is also in the process of preparing detailed updates to the flood insurance rate maps (FIRMS) that take into account many factors of risk including sea level rise; and

WHEREAS, the State of New Jersey has historically used these maps to guide public policy, and therefore, the City of Somers Point urges the State to differ to the superseding governing body, in this instance FEMA, and wait until the new FIRMS have been posted before expanding flood hazard areas through a streamlined State authorization; and

WHEREAS, with the expansion of state regulatory flood zones will come requirements by banks for homeowners to purchase costly flood insurance. Thousands of residents who are currently living outside the existing federal flood zone will now be thrust into a new state expanded flood zone with the potential that they will be forced to purchase flood insurance; and

WHEREAS, while recognizing the importance of addressing climate change, as stated previously, the City of Somers Point believes that a more gradual and balanced approach is

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

necessary to target incremental adjustments over time in order to mitigate the potential negative impacts that these radically changing rules will have on the coastal towns of New Jersey; and **WHEREAS**, it is imperative that the State of New Jersey consider the disproportionate burden resulting from the implementation of such stringent regulatory standards that will challenge the people of New Jersey living, working, and visiting in the coastal zones.

NOW, THEREFORE, BE IT RESOLVED, the City of Somers Point strongly recommends the following:

1. The City of Somers Point recommends that the State abandon the NJPACT REAL rule making process and start anew with a process that includes the Legislature and local officials and a focuses on a comprehensive approach to fund infrastructure improvements as well as regulatory changes based on a twenty year time horizon.
2. The City of Somers Point recommends a comprehensive and independent analysis of the potential economic and social impacts of the proposed regulations.
3. The City of Somers Point recommends that these regulations be based on a 20- year timeframe that is adjusted over time to reflect sea level rise and resiliency measures, rather than based on a 75-year projection.
4. The City of Somers Point recommends that the State of New Jersey consider the inclusion of a budgetary appropriation to assist towns with the implementation of these rules and further, appropriate funding to implement a State grant program to support coastal resiliency projects that will inevitably incur greater costs due to the higher regulatory standards that include significantly higher elevation requirements for new roads.
5. The City of Somers Point recommends that the State of New Jersey follow the same practice as FEMA and prepare detailed flood maps, and further hold public engagement sessions across the State, so that communities and residents can clearly understand how these regulations will impact their areas and properties.
6. This resolution encourages Atlantic County Government to join in the litigation opposing these regulations on behalf of all the municipalities of Atlantic County.
7. The City of Somers Point hereby orders copies of this Resolution be transmitted to:
 - a. Governor Mikie Sherrell;
 - b. Lieutenant Governor Dale Caldwell;
 - c. Chief of Staff to Governor Alex Ball;
 - d. Senate President Nicholas P. Scutari;
 - e. Assembly Speaker Craig J. Coughlin;
 - f. Senate Environment Committee Chair Bob Smith;
 - g. Assembly Environment Committee Chair James J. Kennedy;
 - h. Senator Vince Polistina;
 - i. Assemblyman Don Guardian;
 - j. Assemblywoman Maureen Rowan;
 - k. County Executive Dennis Levinson;
 - l. New Jersey Association of Counties (NJAC);
 - m. New Jersey Business and Industry Association (NJBIA); and
 - n. New Jersey League of Municipalities (NJLM).

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Resolution No. 77 of 2026

M/S- Dill/McGuigan

Council Pro Tempe Johnston presided with the meeting while Council President Gerety stepped of the dais for this Resolution.

This resolution was adopted by a unanimous vote of those present with Council President Gerety recusing.

Council Member McGuigan clarified the amendment for this resolution will go to the Planning Board if passed to review and determine it is consistent with the Master Plan. Council Member McGuigan also shared his opinions on the benefits Group Homes bring to the community.

No. 77 of 2026

Subject: Resolution Referring the Amended 90 Broadway Redevelopment Plan for Block 2018, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.08, 2.02, 1.06, and 1.07, and Block 213, Lot 8 to the Somers Point Planning Board as Required by N.J.S.A 40a12a-7.E

Introduced By: Council President Gerety

Whereas, on November 20, 2014, the City Council of the City of Somers Point adopted Resolution No. 186 of 2014 declaring the entire area of the City of Somers Point to be an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-14, accepting a recommendation from the Somers Point Planning Board based upon a City-Wide Rehabilitation Study and Report concluding the that the entire area of the City of Somers Point be determined to be an Area in Need of Rehabilitation; and

Whereas, pursuant to N.J.S.A. 40A:12A-7 of the “Local Redevelopment and Housing Law (“LRHL”), a municipality has the authority to adopt, by ordinance, a Redevelopment Plan for a property located in an area in need of rehabilitation; and

Whereas a draft Redevelopment Plan dated April 10, 2025, captioned “90 Broadway Redevelopment Plan” was prepared by Colliers Engineering & Design (the “Draft Redevelopment Plan”); and

Whereas the Draft Redevelopment Plan was reviewed by the Somers Point Planning Board which determined that the Draft Redevelopment Plan was consistent with the overall intent of the Somers Point Master Plan; and

Whereas by Ordinance No. 11 of 2025 the City Council approved and adopted the 90 Broadway Redevelopment Plan dated May 8, 2025 (the “2025 90 Broadway Redevelopment Plan”) for Block 2018, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.08, 2.02, 1.06 (the 90 Broadway Property” or “Property”), and by Resolution No. 185 of 2025 authorized the execution and delivery of a 90 Broadway Redevelopment

REGULAR MEETING MAYOR AND CITY COUNCIL February 12, 2026

Agreement and designated Somers Point Acquisition, LLC as the Designated Redeveloper (the “Redeveloper”) for the Redevelopment Property (the “2025 Redevelopment Agreement”); and

Whereas, pursuant to the 2025 90 Broadway Redevelopment Plan and Redevelopment Agreement the Redeveloper is permitted to construct twenty-five (25) residential dwelling units, with 20% (5 in number) of the total constructed units being deed restricted as very low-, low-, and moderate-multi-family dwelling units (the "Affordable Units") and the remainder being market-rate single-family attached and/or detached dwelling units on the Property as more specifically defined in the Redevelopment Agreement); and

Whereas the Redeveloper submitted an application for preliminary and final site plan approval to the Somers Point Planning Board which was approved in a Decision and Resolution PB.11-2025 in the matter of the “Application of Somers Point Acquisition, LLC, adopted on November 19, 2025 (the “2025 Planning Board Resolution”); and

Whereas subsequent to the execution of the 2025 Redevelopment Agreement and the adoption of the 2025 Planning Board Resolution the Redeveloper has advised the City that it has procured an additional property designated on the Somers Point Tax Map as Block 213, Lot 8, commonly known as 104 Cleveland Avenue (the “Off-Site Property”) upon which the Redeveloper has requested the Somers Point City Council (the “City Council”) to consider approving the Off-Site Property as an alternate location for siting the Affordable Units on the Off-Site Property through the development of a six (6) bedroom community residence for individuals with developmental disabilities; and

Whereas in compliance with the requirements of the 2025 Somers Point Planning Board Resolution the five (5) affordable units (planned for the 90 Broadway Property) may only be moved to an off-site location when and if the governing body is provided with sufficient information to confirm creditable off-site units are being supplied and the transfer of the units may be approved via an Amended Redevelopment Agreement and Amended Redevelopment Plan; and

Whereas by Resolution No. 56 - 2026 the City Council authorized Colliers Engineering Design (“Colliers”) and other City professionals to review the documentation provided by the Redeveloper and to prepare a draft Amended 90 Broadway Redevelopment Plan (the “Amended 90 Broadway Redevelopment Plan”); and

Whereas a Draft Amended 90 Broadway Redevelopment Plan dated January 31, 2026 was prepared by Colliers which included Block 2018, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.08, 2.02, 1.06 and Block 213, Lot 8 (the “2026 Redevelopment Area”) which was reviewed by the City Council; and

Whereas, pursuant to N.J.S.A. 40A:12A-7e, prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan, which report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate; and

Now, therefore, it is hereby **RESOLVED** by this governing body as follows:

1. The recitals set forth above are incorporated herein as if full set forth at length.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

2. To comply with N.J.S.A. 40A:12A-7e, the City Council hereby refers the draft Amended 90 Broadway Redevelopment Plan to the Somers Point Planning Board with the request that the Planning Board consider and review the draft Redevelopment Plan at a public meeting, and transmit to the governing body a report containing its recommendation concerning the Redevelopment Plan, including an identification of any provisions that are inconsistent with the overall intent of the City's Master Plan, as provided in N.J.S.A.40A:12-7.e.

It is further **RESOLVED** that the City Clerk is directed to forward to the Somers Point Planning Board Secretary a certified copy of this Resolution including the attached draft Amended 90 Broadway Redevelopment Plan.

Resolution No. 78 of 2026

M/S- McGuigan/Dill

This resolution was adopted by a unanimous vote of those present.

Council President Gerety and Council Member McGuigan stated they are pleased to appoint James E. Franklin as the backup Solicitor.

No. 78 of 2026

Subject: Appointment of Back-Up/Conflict Municipal Solicitor

Introduced By: Council President Gerety

WHEREAS, the City of Somers Point has identified a need for a Back-Up/Conflict Municipal Solicitor for 2025; and

WHEREAS, this contract is being awarded through a fair and open process pursuant to N.J.S. 19:44A-20.4 et. seq.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

1. James E. Franklin II, Esq., be and hereby is appointed as Municipal Solicitor for the City of Somers Point for the period January 1, 2026, through December 31, 2026, inclusive.
2. This Agreement is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because public bidding is not required for said service.
3. The Mayor is hereby authorized to execute an Agreement with James E. Franklin, II, Esq., in connection with these services, and, upon execution, the contract will be attached to this resolution and become a part hereof.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

4. As indicated in the Division of Local Government Services Local Finance Notice 2006-7, because this is awarded through a fair and open process, further public notice per N.J.S. 40A:11-5.(1)(a)(i) is not required.

Resolution No. 79 of 2026

M/S- Johnston/Dill

This resolution was adopted by a unanimous vote of those present.

No. 79 of 2026

Subject: A Resolution of Need for an Affordable Housing Residential Dwelling Units to be Owned, Operated, Managed, and Constructed by Greate Bay Properties, LLC on Block 1946, Lot 1.02, Designated as the Oasis at Greate Bay Development Located at 901 Mays Landing Road

Introduced By: Council Members DePamphilis, Dill and McGuigan

WHEREAS a Settlement Agreement of Litigation dated July 29, 2008 between Plantation Bay, LLC (“Plantation Bay”) and the City of Somers Point (the “City”) (the “2008 Settlement Agreement”); and was approved in a Final Judgment entered in the Superior Court of New Jersey, Atlantic County, Law Division Docket No: ATL-L-007302-06 P.W. on June 30, 2011 (the “Court Order”); and

WHEREAS the 2008 Settlement Agreement obligated Plantation Bay to include within its proposed project a twenty percent (20%) set aside for affordable housing residential dwelling units (the “Affordable Housing”); and

WHEREAS subsequent to the entry of the Court Order Plantation Bay conveyed the entire property which was subject to the plan of development to R2F2, Inc.(“R2F2”) including the portion of the property (Block 1946, Lot 1.02) upon which the Affordable Housing is to be constructed (the “Affordable Housing Property”); and

WHEREAS subsequent thereto R2F2 conveyed the Affordable housing property to JAS Group Enterprise, Inc. (“JAS”); and

WHEREAS on September 14, 2023, the Somers point City Council passed Resolution No. 207 of 2023, being a Resolution of Need on behalf of JAS for an affordable housing inclusionary residential development; and

WHEREAS subsequent thereto, JAS created a single purpose entity OASIS AT GREATE BAY, LLC (“OASIS”); and

WHEREAS subsequent thereto OASIS conveyed the Affordable Housing Property to GREATE BAY PROPERTIES, LLC (“GREATE BAY”) (as the “Sponsor”) and

REGULAR MEETING MAYOR AND CITY COUNCIL February 12, 2026

WHEREAS GREATE BAY intends to develop the Affordable housing Property using a using a combination of eight (8) special needs residential units to serve very-low income individuals using lease terms of one-year which shall be owned by Greate Bay but operated by Gateway Community Services a New Jersey Non-profit Corporation (the “Special Needs Units”) and thirty-four (34) residential units to serve very-low, low- and moderate-income individuals to be owned by Greate Bay (the “Affordable Housing Units”); and

WHEREAS GREATE BAY intends to finance the Affordable Housing Project using a combination of tax -exempt bonds, issued by the New Jersey Housing and Mortgage Finance Agency (“NJHMFA AHPF”), NJHMFA Affordable Housing Production Fund Program Subsidy Financing, 4% low-income housing tax credits and the NJEDA Aspire Program; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that in accordance with the New Jersey Affordable Housing Act and based upon a First and Second Round Affordable Housing Obligation as embodied in a court approved 2008 Settlement Agreement, there is a need for this affordable housing project within the Municipality, to address that obligation; and

WHEREAS the Project will be subject to the HMFA Requirements, the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”), between GREATE BAY and the NJEDA, and such subsequent agreements as may be mutually agreed to between the Sponsor and The City of Somers Point in the County of Atlantic and State of New Jersey and approved by the Agency, as necessary.

WHEREAS the Sponsor will also be applying to the New Jersey Economic Development Agency (“EDA”) for Aspire Funding and requires municipal council to provide a resolution of support and the mayor to separately provide a letter of support.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Somers Point (the “Council”) that:

- (1) The Council finds and determines that the Project proposed by the Sponsor will satisfy an existing affordable housing need.
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Affordable Housing Project.
- (3) The Council does hereby provide support for the Sponsor’s application for Aspire Credits from EDA.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

- (4) The Council authorizes the mayor to execute and transmit to the NJEDA a letter of support in the form attached hereto as Exhibit "A".

- (5) Resolution No. 207 of 2023 is rescinded in its entirety.

Resolution No. 80 of 2026

M/S- Dill/Johnston

This resolution was adopted by a unanimous vote of those present.

No. 80 of 2026

Subject: A Resolution Adopting the City of Somers Point Affirmative Housing Marketing Plan

Introduced By: Council Members DePamphilis, Dill and McGuigan

WHEREAS, the City of Somers Point filed a Declaratory Judgment Action on January 23, 2025 seeking a certification of compliance with the Fair Housing Act; and

WHEREAS, the Somers Point Planning Board adopted the 2025 Housing Element & Fair Share Plan for the Fourth Round on June 26, 2025, which was duly endorsed by the City Council, and timely filed with the Affordable Housing Dispute Resolution Program; and

WHEREAS, the City has entered into a Consent Order with Fair Share Housing Center that requires all of the implementing documents, including an Affordable Housing Marketing Plan, to be adopted by March 15, 2026; and

WHEREAS, new N.J.A.C. 5:99 regulations and new Uniform Affordability Housing Controls rules were adopted in December of 2025; and

WHEREAS, the City of Somers Point seeks to adopt the attached Affirmative Housing Marketing Plan in furtherance of the City's attempts to seek a Judgment of Compliance and Repose in the Compliance Action.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that hereby adopts the Somers Point Affirmative Marketing Plan which is attached hereto as **Exhibit A**.

Resolution No. 81 of 2026

M/S- Dill/Slaughter

This resolution was adopted by a unanimous vote of those present.

No. 81 of 2026

Subject: A Resolution Adopting the City of Somers Point Spending Plan

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Introduced By: Council Members DePamphilis, Dill and McGuigan

Whereas, the City of Somers Point filed a Declaratory Judgment Action on January 23, 2025 seeking a certification of compliance with the Fair Housing Act; and

Whereas, the Somers Point Planning Board adopted the 2025 Housing Element & Fair Share Plan for the Fourth Round on June 26, 2025, which was duly endorsed by the City Council, and timely filed with the Affordable Housing Dispute Resolution Program; and

Whereas, the City has entered into a Consent Order with Fair Share Housing Center that requires all of the implementing documents, including an Affordable Housing Marketing Plan, to be adopted by March 15, 2026; and

Whereas, new N.J.A.C. 5:99 regulations and new Uniform Affordability Housing Controls rules were adopted in December of 2025; and

Whereas, said regulations and rules require each municipality to adopt a Spending Plan prior to spending any of the funds in its Trust fund; and

Whereas, a Spending Plan must include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds;
5. A schedule for the expenditure of all affordable housing trust funds;
6. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing;
7. A plan to spend the trust fund balances in accordance with the implementation schedule within the Spending Plan and approved by a settlement agreement;
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the Plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and

Whereas, the City of Somers Point's administration and professional staff have prepared for consideration and adoption by the governing body a Spending Plan consistent with the relevant parameters set forth above; and

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Whereas, the City of Somers Point seeks to adopt the attached Spending Plan in furtherance of the City’s attempts to seek a Judgment of Compliance and Repose in the Compliance Action.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Somers Point that hereby adopts the Somers Point Spending Plan which is attached hereto as **Exhibit A**.

Consent Agenda Resolutions:

On the motion of Council Member Johnston, seconded of Council Member McGuigan and carried to approve the Consent Agenda Resolutions.

No. 82 of 2026

Subject: Authorization to Apply for a Green Acres Program Funding from the NJ Department of Environmental Protection-Kern Field & Fehrle Field Improvements

Introduced By: Council President Gerety

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Somers Point desires to further the public interest by obtaining funding in the amount of \$700,000, in the form of a grant and loan to fund the following project: Kern Field & Fehrle Field Improvements;

NOW, THEREFORE, the governing body/board resolves that the Mayor or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Somers Point City Council:

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

1. That the Mayor of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Kern Field & Fehrle Field Improvements;
2. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

No. 83 of 2026

Subject: Authorization to Apply for a Green Acres Program Funding from the NJ Department of Environmental Protection-Defeo Lane

Introduced By: Council President Gerety

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Somers Point desires to further the public interest by obtaining funding in the amount of \$232,921.25, in the form of a grant and loan to fund the following project: Defeo Lane Nature Trail;

NOW, THEREFORE, the governing body/board resolves that the Mayor or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (d) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Somers Point City Council:

1. That the Mayor of the above-named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as the Defeo Lane Nature Trail;

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

2. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

No. 84 of 2026

Subject: Authorizing RFP's for Lease of Marina Slips

Introduced By: Council President Gerety

WHEREAS, the City of Somers Point is in possession of a property known as Block 1612, Lots 2 & 2.01 on the tax maps of the City of Somers Point, located at Higbee and Bay Avenue; and

WHEREAS, this property includes a recreation pier and marina facility; and

WHEREAS, N.J.S.A. 40:61-1. et seq. states that the governing body of any municipality may let out and rent any privilege in any of its parks, beaches, waterfronts and places for public resort and recreation, to the highest responsible bidder therefore, after advertisement of the time and place of such letting, at least ten days prior to receipt of bids, in a newspaper circulating in the municipality, and upon such terms and conditions as it may prescribe.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point as follows:

1. The City Clerk is hereby directed to advertise the Requests for Proposals to lease (2) two slips located at Higbee Avenue and the Bay from the City of Somers Point for use as a docking facility for a watercraft suitable for hire for fishing, sightseeing, and party excursions, a copy of which is attached hereto and made a part hereof.

2. Said advertisement shall be published as soon as possible, but no later than February 28th 2026.

3. All proposals must be received by the City Clerk no later than 2:00 p.m. on March 25th, 2026 at which time they will be publicly opened, announced and recorded in the City Council Chambers.

4. It is understood that the use of the Marina Slips as described in this Request for Proposal must be approved by the Somers Point Board of Recreation.

No. 85 of 2026

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Subject: Submit Grant Application and Execute a Grant Agreement with the New Jersey Economic Development Authority for the Asset Activation Planning Grant Program

Introduced By: Council President Gerety

WHEREAS, the New Jersey Economic Development Authority provides grants through the 2026 Asset Activation Planning Grant Program; and

WHEREAS, the New Jersey Asset Activation Planning Grant will award grants of up to \$100,000 to public, private, or non-profit entities, for early-stage planning and analysis that will demonstrate viability of projects that activate under-utilized public assets that benefit their communities and the regional economy; and

WHEREAS, plans may include, but are not limited to: Conceptual Design, Feasibility Study, Economic Analysis, Market Analyses, and Redevelopment Needs Assessment and/or Plan; and

WHEREAS, plans should demonstrate a strong connection to the State's development objectives through project elements, such as:

- Creating or catalyzing a new business sector, or target industry
- Driving economic growth and equity
- Creating an innovative use for distressed public assets, unutilized or underutilized public property or unutilized public lands
- Expanding access to public transportation or public services
- Attracting employers and a diverse, talented workforce
- Expanding entrepreneurial opportunities and support local businesses
- Improving land use efficiency and sustainability

WHEREAS, no matching funds are required.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Somers Point formally supports this application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the New Jersey Economic Development Authority on behalf of the City of Atlantic City.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Somers Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

No. 86 of 2026

Subject: Authorizing Advertising Bids for JFK Park Inclusive Playground Green Acres Project No. 0121-25-006

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Introduced By: Council Member McGuigan

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to install an inclusive playground and associated improvements at JFK Park; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the JFK Park Inclusive Playground Green Acres Project No. 0121-25-006; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

No. 87 of 2026

Subject: Authorizing Advertising Bids for Somers Point Bike Path Improvements-Green Acres Project No. 0121-25-008

Introduced By: Council Member McGuigan

WHEREAS, the governing Body of the City of Somers Point has determined that it is the best interest of the City to install various improvements to the Somers Point Bike Path from Ocean Avenue to Groveland Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somers Point that the City Engineer is hereby authorized to prepare plans and specifications for the Somers Point Bike Path Improvements-Green Acres Project No. 0121-25-008; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for bids in conformance with N.J.S.A. 40A:11-1 et seq., said bids to be received in the City Clerk's office at a time established thereafter in accordance with the specifications and in conformance with N.J.S.A. 40A:11-1 et seq.

Old Business:

Council President Gerety reported on several different old business items.

- The Beach Concert Series was approved by the Recreation Board for use of the Beach. There are still items that need to be discussed such as terms and conditions for sponsorship, fee or donation before finalizing the contract.

REGULAR MEETING MAYOR AND CITY COUNCIL February 12, 2026

- Council President Gerety also discussed meeting with the Mayor and a Traffic Expert to review prices to help solve different traffic problems the City faces. No decision was made and once he has an update he will inform everyone.
- Council President Gerety suggested that a meeting be set up with the Mayor and Council Member McGuigan to work on The City's Website. Brian Cahill from Shore Medical Center volunteered to help with this endeavor.

New Business:

- City Council discussed amending a previous Ordinance pertaining to a Parking Permit for 827 Bay Avenue. No decision was made until further review.
- City Council approved a Social Affair Permit Application for Roberts Johnson Post 2189 VFW for an Event on March 13, 2026, from 4:00 P.M.-10:30 P.M.
- City Council approved a Social Affair Permit Application for Robert Johnson Post 2189 for an Event on March 5, 2026, from 3:00 P.M.-9:00 P.M.
- City Council approved a Social Affair Permit Application for American legion Clark Elliason Post 352 for an event on March 5, 2026, from 11:00A.M. to 5:00P.M.

Discussion of Bills:

Administrator Frost reported a Bill List dated 2/10/2026 in the amount of \$1,720,818.19, a Manual Bill List dated 2/12/2026 in the amount of \$1,959,054.66, and a Manual Bill List dated 2/12/2026 in the amount of \$234,394.85.

Public Portion:

Council President Gerety duly opened the meeting to the public.

Patricia Pierson of Somers Point asked for clarification on Resolution 78 and 84 of 2026, before stating her opinion on the Municipal Court and the website deadline.

An individual expressed his opinion on the Carry and Conceal Permit Fee, and the audio system.

John Wescott of Somers Point shared suggestions on addressing the public, before he shared a reading.

An individual asked for clarification on the Bay Ave proposal/grant application.

Hearing nothing further from the public, the public hearing was duly closed.

**REGULAR MEETING
MAYOR AND CITY COUNCIL
February 12, 2026**

Payment of Bills:

M/S: Dill/Johnston

The Bill List was approved by a unanimous vote of those present. A complete list of bills is on file in the Office of the Municipal Clerk.

Recess:

The Governing Body recessed briefly at 8:38 p.m. before going into Executive Session at 8:46 p.m.

Reconvene:

Council President Gerety reconvened the Governing Body to Open Session at 9:18 p.m.

Comments from Governing Body:

None

Adjournment:

There being no further business to come before City Council, Council Member Dill moved, Council Member Johnston seconded and carried to adjourn the meeting at 9:19 p.m.

Respectfully submitted,

Shelby Heath, RMC
Municipal Clerk
Approved: 2/26/2026